

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM MCDONNELL,
Plaintiff

v.

CAROLYN W. COLVIN,
COMMISSIONER OF
SOCIAL SECURITY,
Defendant

: No 3:15cv383
:
: (Judge Munley)
: (Magistrate Judge Cohn)
:
:
:
:

ORDER

AND NOW, to wit, this 11th day of April 2016, we have before us for disposition Magistrate Judge Gerald B. Cohn's report and recommendation, which proposes that the decision of the Commissioner of Social Security denying Plaintiff William McDonnell's benefits under the Social Security Act be vacated and the case remanded. No objections to the report and recommendation have been filed, and the time for such filing has passed. In fact, Defendant Carolyn W. Colvin, Commissioner of Social Security has waived the opportunity to object. (Doc. 12). Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no

clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1) The magistrate judge's report and recommendation (Doc. 11) is **ADOPTED**;

2) The decision of the Commissioner of Social Security denying Plaintiff's benefits under the Social Security Act is **VACATED**;

3) The Clerk of Court is directed to remand this case to the Commissioner of Social Security to develop the record fully, conduct a new administrative hearing and appropriately evaluate the evidence; and

4) The Clerk of Court is further directed to close the case in this court.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court